

Remarks

The above-referenced application has been reviewed in light of the Examiner's Final Office Action dated March 2, 2006. Claims 17-25 are currently pending in this application.

In accordance with the Office Action, Claims 17, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,438 to Bienvenu et al. in view of U.S. Patent No. 6,654,754 to Knauft et al. Applicants respectfully traverse.

Claim 17 recites, *inter alia*, "a transmission source determiner, for receiving an access request to the data manager from a transmission source, and for determining whether the transmission source is one of the first set of subscribers, the second set of subscribers, the non-subscriber, **or the search engine robot**, and a response unit, for ... if the transmission source determiner determines that the user is one of the non-paying non-subscriber or the search engine robot, transmitting said metadata to the transmission source through the communication network ... wherein metadata comprises a textual description of the subscriber information, a keyword related to the textual description for preparing a search engine keyword index, and subscription information describing how to join at least one of the first set of paid subscribers or the second set of paid subscribers; wherein the non-paying non-subscriber has no access to the information site" (**emphasis** added).

The '438 to Bienvenu et al. is generally directed towards distributing information from a central database over a network to local file servers of current

network subscribers. In Bienvenu, the network subscribers have local file servers, which contain previously distributed information (see Bienvenu at Abstract). When new or undistributed information is added to the central database, an entitlement table is updated to permit only current subscribers to receive the new information (*Id.*). Thus, Bienvenu makes no attempt to provide a reduced subset of information such as metadata to non-subscribers other than the full version of the previously distributed information that was already received by the local file servers of former subscribers when their accounts were current. In addition, Bienvenu fails to recognize the utility of, much less address, “determining whether the transmission source is ... the search engine robot” as recited in Claim 17.

The '754 to Knauff et al. is generally directed towards dynamically generating an electronic document based, in part, on data analysis of a data object. Upon receiving a network request for a particular data object stored on the Knauff server, the system of Knauff **dynamically** generates an electronic document having index information relating to the data object (see Knauff at Abstract). Thus, the dynamically generated index information of Knauff is responsive to the network request. As understood in the pertinent art, index information that is prepared dynamically at the time of a request typically incorporates terms from the request, which is quite different from metadata that is prepared in advance of the request and representative of the data object itself. *Arguendo*, even if the dynamically generated index information of Knauff may be relied upon to show Applicants' claimed element of metadata, Knauff fails to cure at least another deficiency of Bienvenu in that

Knauft similarly fails to recognize the utility of, much less address, “determining whether the transmission source is ... the search engine robot” as recited in Claim 17.

In rejecting Claim 17, the Examiner has failed to address the requirement of the “transmission source determiner ... for determining whether the transmission source is ... the search engine robot” as recited in previously presented Claim 17. See Office Action at page 6, line 10, misquoting Applicants’ actual claim language. As discussed above, neither the ‘438 to Bienvenu et al. nor the ‘754 to Knauft et al. teach or suggest “determining whether the transmission source is ... the search engine robot”. For example, although some search engines may be registered in embodiments of Applicants’ invention so as to gain more complete information, the system of Claim 17 provides metadata for a search engine if “the transmission source is ... the search engine robot”. Note that Claim 17 further differentiates the search engine robot from a non-paying non-subscriber in the final two clauses.

Thus, previously presented Claim 17 is neither taught nor suggested by the ‘438 to Bienvenu et al. in view of the ‘754 to Knauft et al. Similarly, Claims 20 and 22, which each address determining whether a request originated from a search engine robot, are likewise neither taught nor suggested by Bienvenu in view of Knauft.

In accordance with the Office Action, Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bienvenu and Knauft as applied to Claim 17 above, and further in view of U.S. Patent No. 6,694,365 to Wyngarden. Applicants respectfully traverse.

The '365 to Wyngarden is generally directed towards receiving and providing access to information on a web site via password protection (see Wyngarden at Abstract). It is respectfully submitted that password protection is inapposite to the teachings of Bienvenu and Knauft, which both control access based on server identification of requestors.

Wyngarden fails to cure at least the deficiency of Bienvenu and Knauft with respect to "determining whether the transmission source is ... the search engine robot", as recited in Claim 17, from which Claims 18 and 19 depend. In addition, Wyngarden teaches away from Applicants' claimed invention for "determining whether the transmission source is ... the search engine robot", in that a search engine robot would have access to neither Wyngarden's first or unlimited password nor to Wyngarden's second or limited password. Thus, any combination incorporating elements of Wyngarden would not have been made by one of ordinary skill in the pertinent art at the time of Applicants' invention. Even if such combination had been made, it would not have resulted in Applicants' presently claimed invention.

In accordance with the Office Action, Claims 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bienvenu and Knauft as applied to Claim 22 above, and further in view of U.S. Patent No. 6,907,423 to Weil et al. Applicants respectfully traverse.

Claim 23 recites, *inter alia*, "A robot search engine registration method comprising ... mechanically accessing a web site via a communication network and obtaining a web page source stored at said web site; ***accepting an access request***

from a robot of a robot search engine that prepares a web page search list; and transmitting to said robot a keyword concerning said web page source; wherein, when the access of said web page source is limited, and when access by said robot is not permitted, text data is transmitted.”

Claim 24 recites, *inter alia*, “A storage medium on which ... a computer-readable program that permits said computer to perform: a process for analyzing an access request received by a web server that is provided on a communication network and for determining a transmission source of said access request; and a process for, **when said transmission source of said access request comprises a robot of a robot search engine**, transmitting a keyword concerning a web page source to said robot; wherein said web page source is associated with said access request; wherein, when the access of said web page source is limited, and when access by said robot is not permitted, said program transmits text data.”

Claim 25 recites, *inter alia*, “storage means for storing a computer-readable program that permits said computer to perform a process for analyzing an access request received by a web server that is provided on a communication network and for determining a transmission source of said access request, and a process for, **when said transmission source of said access request comprises a robot of a robot search engine**, transmitting a keyword concerning a web page source to said robot; and transmission means for reading said program from said storage means and for transmitting said program; wherein said web page source is associated with said access request; wherein, when the access of said web page source is limited,

and when an access by said robot is not permitted, said program transmits said text data.”

U.S. Patent No. 6,907,423 to Weil et al. is generally directed towards controlling access of a local search engine to various local data collections. See, e.g., Wail et al. at Abstract. Thus, some users may be registered on the local search engine of Weil in order to permit search of restricted collections. Wail makes no attempt to determine whether a given user is attempting to use a search robot to search Wail’s local site since only Wail’s own local search engine is permitted any access to the various collections. The identification of a given user is only used to determine which of Wail’s local collections are to be searched by Wail’s own local search engine.

The Examiner relies on the ‘423 to Wail et al. for a showing that some search engines may be registered so as to gain more information. Such reliance is misplaced. The “more information” of Wail is namely unlimited access via Wail’s local search engine to one or more of Wail’s restricted data collections. Wail necessarily limits all access to restricted collections to particular users. Whether a user tries to use a robot search engine is irrelevant to the fact that the user himself or herself must be registered in order for Wail’s local search engine to access a restricted collection. Thus, the Examiner has missed the point that Wail fails to differentiate between a user’s use of a robot search engine to initiate Wail’s local search engine versus a user’s direct access to initiate Wail’s local search engine. In addition, it would not be logical for Wail to grant unlimited access to its restricted


collections just because an unauthorized user happened to be using a robot search engine.

Accordingly, the '423 to Wail et al. fails to cure at least the above-described deficiencies of Bienvenu and Knauft, particularly with respect to "accepting an access request from a robot of a robot search engine that prepares a web page search list" as recited in Claim 23, and with respect to "when said transmission source of said access request comprises a robot of a robot search engine" as recited in Claims 24 and 25. In addition, Applicants reserve their right to antedate the '423 patent to Wail et al. by providing a certified English translation of their earlier-filed priority document.

Conclusion

Accordingly, it is respectfully submitted that independent Claims 17, 20 and 22-25 are in condition for allowance for at least the reasons stated above. Claims 18, 19 and 21 each depend from one of the above independent claims, and necessarily include each of the elements and limitations thereof. Thus, it is respectfully submitted that these claims are also in condition for allowance for at least the reasons stated, as well as for reciting additional patentable subject matter. Therefore, each of Claims 17-25 is in condition for allowance. All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case are earnestly solicited.

Respectfully Submitted,

 5/2/06
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